

REMARKS

I. Summary of the Final Office Action

Claims 1-54 are pending in the present application.

Claims 1-27 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1-54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gudjonsson et al. U.S. Patent No. 6,564,261 (hereinafter, “Gudjonsson”) in view of Bruno et al. U.S. Patent No. 6,020,915 (hereinafter, “Bruno”).

II. Summary of Applicant’s Reply

In this Response, applicant amends claims 1 and 28, adds claims 55 and 56, and addresses the Examiner’s objections and rejections. Support for the amendments to the claims can be found throughout the application. Amendments to the claims are being made solely to expedite prosecution and do not constitute an acquiescence to any of the Examiner’s rejections. Applicant’s silence with regard to the Examiner’s rejections of the dependent claims constitutes a recognition by applicant that the rejections are moot based on applicant’s remarks relative to the independent claim from which the dependent claims depend. Applicant reserves the option to further prosecute the same or similar claims in the present or a subsequent application. Upon entry of the Amendment, claims 1-56 are pending.

Reconsideration and prompt allowance of the present application is respectfully requested.

III. The Rejection of the Claims Under 35 U.S.C. § 101

The Examiner rejected claims 1-27 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

In order to address the Examiner's concern regarding claims 1-27, applicant has amended independent claim 1 to specify that the system comprises one or more processors that provide an instant messaging server, a second server, and a video conference allocator. The amendments to claim 1 does not add any new matter, given that the use of one or more processors in connection with the disclosed subject matter is described, for example, in paragraphs [0018]-[0022] and [0025] of the originally filed specification.

In light of the amendment to claim 1, applicant respectfully requests that the Examiner withdraw the rejection of independent claim 1, and claims 2-27 which depend therefrom, under 35 U.S.C. § 101.

IV. The Rejection of the Claims Under 35 U.S.C. § 103(a)

Applicant's amended independent claims 1 is directed to a system that initiates and supports video conferences using instant messaging. Claim 1 includes one or more processors that provide, among other things:

- an instant messaging server for supporting instant messages between the plurality of client nodes;

- a second server for supporting video conferences between the plurality of client nodes; and
- a video conference allocator for setting up and managing video conferences on the second server, wherein the video conference allocator is configured to:

- receive a request, from a client node via the instant messaging server, for a video conference, wherein the request is received over a first communication channel opened between the video conference allocator and the instant messaging server, and wherein the request invites one or more of the plurality of client nodes;**

- in response to receiving the request, determine conference information for the**

client node and the invited client nodes;

initiate the video conference by transmitting the determined conference information to the second server over a second communication channel between the video conference allocator and the second server; and

communicate to the invited client nodes, via the first communication channel opened between the video conference allocator and the instant messaging server, an instant message to join the video conference.

(emphasis added).

As described in applicant's specification, video conferences are initiated using an instant messaging utility. "[E]ach IM client 12 includes a video conference module 18 which interfaces with both the IM client module 16 and the CTM server 20 to initiate a video conference."

(Applicant's specification, paragraph [0023].) The CTM server receives identity information (e.g., one or more buddies in a buddy list provided by the IM utility), which then determines conference information (e.g., address, communication mode, gateway address, etc.). (See, e.g., Applicant's specification, paragraph [0024].) "This information is used in setting up the video conference in the MCU 24." (Id.) The CTM, through the instant messaging server, communicates an instant message to the invited client nodes to join the conference.

In rejecting these claims, the Examiner correctly admits that Gudjonsson "does not disclose [a] resource allocator communicatively coupled to instant messaging server and second server, wherein the allocator is adapted to initiate a video conference in said second server and allocator adapted to communicate to the at least two client nodes, via said instant messaging server, conference information enabling the at least two client nodes to join the conference." (Office Action, page 14.) Nevertheless, the Examiner contends that Bruno discloses this feature and that it would have been obvious to combine Gudjonsson with Bruno.

The Examiner particularly referred to a portion of Bruno that describes a Meeting Reservation and Control System (MRCS) that is associated with a Multimedia Control Unit (MCU). As described in Bruno, when a user wants to establish a video conference, “the originator calls a Meeting Reservation and Control System (MRCS) 125.” (Bruno, column 5, lines 5.) In return, a conference identifier is provided which is used “by the user at each multimedia terminal to establish a connection to the MCU.”

Applicant would like to point out to the Examiner that the independent claims have been amended to recite that the video conference allocator is configured to: “determine conference information for the client node and the invited client nodes,” “initiate the video conference by transmitting the determined conference information to the second server over a second communication channel between the video conference allocator and the second server,” and “communicate to the invited client nodes, via the first communication channel opened between the video conference allocator and the instant messaging server, an instant message to join the video conference.”

Unlike applicant’s independent claims, the MRCS of Bruno does not transmit the determined conference information (the conference identifier) to the second server (the MCU). Instead, it manually provides a conference identifier to the originator, who, in turn, must provide the conference identifier to each participant of the video conference. Each participant uses the conference identifier to establish a connection with the MCU for the video conference.

Similarly, the MRCS of Bruno does not communicate an instant message, using an instant messaging server, to the invited client nodes to join the video conference. Again, the MRCS manually provides a conference identifier to the originator. The MRCS does not communicate with any portion of the Bruno system to transit an instant message to the participants of the video

conference. While the Bruno system includes a multimedia messaging server, it should be noted that the MRCS and the multimedia messaging server are not connected by a communication channel. Rather, as described in Bruno, “a user at the first multimedia terminal can leave a multimedia message at the multimedia messaging server 152 for later retrieval by the user at the second multimedia terminal if, for example, that second terminal is busy or the user fails to answer the call.” (Bruno, column 5, lines 12-16.)

Moreover, it should be noted that neither the Bruno system nor the Gudjonsson system open multiple communication channels for communications with the different servers – i.e., “a first communication channel between the video conference allocator and the instant messaging server” and “a second communication channel between the video conference allocator and the second server.” Unlike applicant’s independent claims, Gudjonsson discloses a network of server clusters, where messages are not sent directly between clients. As described in previous replies, messages between clients are handed off serially from one server to the next using one or more intermediate routing services. Also unlike applicant’s independent claims, as shown in FIG. 1 of Bruno, the MRCS (which the Examiner compares to applicant’s video conference allocator) does not open multiple communication channels. (See, e.g., Bruno, FIG. 1.) Accordingly, neither Gudjonsson nor Bruno opens multiple communication channels for communications with different servers.

Based on the foregoing Remarks, applicant traverses the Examiner’s rejection of independent claim 1.

Similarly, applicant’s independent claim 28 includes a method that includes “providing a video conference allocator for setting up and managing video conferences on the second server, wherein the video conference allocator: receives a request, from a client node via the instant messaging server, for a video conference, wherein the request is received over a first

communication channel opened between the video conference allocator and the instant messaging server, and wherein the request invites one or more of the plurality of client nodes; in response to receiving the request, determines conference information for the client node and the invited client nodes; initiates the video conference by transmitting the determined conference information to the second server over a second communication channel between the video conference allocator and the second server; and communicates to the invited client nodes, via the first communication channel opened between the video conference allocator and the instant messaging server, an instant message to join the video conference.” Accordingly, independent claim 28 is allowable for at least the same reasons.

Applicant’s silence with regard to the Examiner’s rejections of the dependent claims constitutes a recognition by the applicant that the rejections are moot based on applicant’s remarks relative to the independent claims from which the dependent claims depend. Accordingly, applicant also respectfully submits that claims 2-27 and 29-54, each of which depends from one of independent claims 1 and 28, are allowable for at the same reasons that their corresponding independent claims are allowable.

Accordingly, applicant respectfully requests that the rejections of the claims be withdrawn.

V. New Claims 55 and 56

Applicant has added new dependent claims 55 and 56 directed to presence features for the video conference. In particular, the video conference allocator is configured to “instruct the instant messaging server to provide a presence indicator for the video conference in the instant messaging list over the first communication channel.” Support for these dependent claims can be found, for example, in paragraph [0031] of applicant’s specification. This paragraph states that “presence is

advertised for an existing conference. For example, the existing conference, such as a regularly scheduled company meeting, is listed on an IM client 12 as a ‘Buddy.’ The client can join the conference simply by clicking on the buddy icon for the conference.” (Applicant’s specification, paragraph [0031].)

Applicant respectfully submits that nowhere in Gudjonsson or Bruno is there any disclosure or suggestion that a video conference allocator is configured to “instruct the instant messaging server to provide a presence indicator for the video conference in the instant messaging list over the first communication channel.” At most, Gudjonsson describes presence data associated with a user. As described in Gudjonsson, “each user [has] the ability to publish a dynamic status information and/or presence information related to their identity.” For example, “this status or presence might be whether the user is currently online on his/her PC or not.” (Gudjonsson, column 8, lines 57-60.) Bruno, on the other hand, does not describe any presence features whatsoever. As described previously, the multimedia messaging server of Bruno stores a voice message from the telephone user for later retrieval by the user. It is clear that neither Gudjonsson nor Bruno mention a presence feature for the video conference.

Applicant also respectfully submits that claims 55 and 56, each of which depends from one of independent claims 1 and 28, are allowable for at the same reasons that their corresponding independent claims are allowable.

VI. Deposit Account Authorization

The Director is hereby authorized to charge any fees that may be due, or to credit any overpayment of the same, to Deposit Account No. 50-4207.

In the event that an extension of time is required, or which may be required in addition to that requested in any petition for extension of time filed previously or herewith, the Director is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-4207.

VII. Conclusion

For at least the reasons set forth above, applicant respectfully submits that the present application is in condition for allowance. Reconsideration and prompt allowance of the application are respectfully requested.

Respectfully submitted,

Date: November 21, 2008

/Philip R. Poh/
Philip R. Poh
Registration No. 51,176
Attorney for Applicant

Byrne Poh LLP
11 Broadway, Suite 865
New York, NY 10004
Telephone: (212) 931-8561
Facsimile: (212) 931-8521